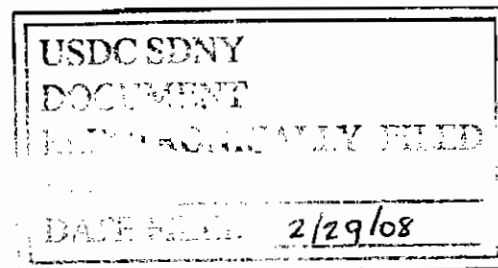


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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK



-----X	
MASON TENDERS DISTRICT COUNCIL	:
WELFARE FUND, PENSION FUND, ANNUITY	:
FUND, TRAINING PROGRAM FUND, and	:
JOHN J. VIRGA, in his fiduciary capacity as Director,	:
	:
Plaintiffs,	:
	:
- against -	:
	:
SHROID CONSTRUCTION INC.	:
and MICHAEL MCGARRY,	:
	:
Defendants.	:
-----X	

07 Civ. 9298 (DLC)

JUDGMENT BY DEFAULT
AGAINST SHROID
CONSTRUCTION INC.

This action having been commenced by the filing of a Summons and Complaint on October 17, 2007, and a true copy of the Complaint having been served upon defendant SHROID CONSTRUCTION INC. on November 7, 2007, by Deborah LaPointe, a licensed process server, by service upon Donna Christie, an agent of the Secretary of State of the State of New York, pursuant to Section 306 of the Business Corporation Law of the State of New York, and a true copy of the second amended complaint having been served upon defendant MICHAEL MCGARRY on November 8, 2007 by Nelson Carvajal, a licensed process server, by personally serving a copy upon Kathleen McGarry, Michael McGarry's wife, at 23 Virginia Avenue, Rockville Centre, New York 11570 and on November 9, 2007 served another copy of the foregoing upon Michael McGarry, by first class mail, at 23 Virginia Avenue, Rockville Centre, New York 11570 and proofs of service having been filed with the Court on November 13, 2007; and a Stipulation of Partial Dismissal with Prejudice as to defendant MICHAEL MCGARRY having been So ordered by the Honorable Denise

L. Cote, U.S.D.J. on January 2, 2008, and defendant SHROID CONSTRUCTION INC. having failed to answer, appear or otherwise defend in this action within the time permitted by law, there is no just reason to delay the entry of judgment by default against defendant SHROID CONSTRUCTION INC. only.

NOW, on motion of GORLICK, KRAVITZ & LISTHAUS, P.C., attorneys for plaintiffs, by Michael J. Vollbrecht, Esq., it is

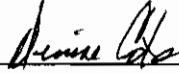
ORDERED, ADJUDGED AND DECREED, that plaintiff MASON TENDERS DISTRICT COUNCIL WELFARE FUND ("PLAINTIFF") as the collecting agent for plaintiffs MASON TENDERS DISTRICT COUNCIL WELFARE FUND, PENSION FUND, ANNUITY FUND, and TRAINING PROGRAM FUND, and JOHN J. VIRGA, in his fiduciary capacity as Director ("FUNDS"), has judgment against defendant SHROID CONSTRUCTION INC. in the liquidated amount of \$540,191.15, which amount includes fringe benefit contributions, interest on unpaid fringe benefit principal, statutory damages, unpaid dues checkoffs contributions, unpaid Political Action Committee ("PAC") contributions, interest on unpaid dues checkoffs contributions, interest on unpaid PAC contributions, contractual imputed audit fees, costs and attorneys' fees; and it is further

ORDERED, AND DECREED, that defendant SHROID CONSTRUCTION INC. permit and cooperate in the conduct of an audit of defendant SHROID CONSTRUCTION INC.'s books and records for the period May 4, 2004 to the present, including, but not limited to, payrolls and payroll ledger including office payroll, yard payroll, payoff payroll, New York and New Jersey payroll, etc., computer payroll printout, W-2 forms, quarterly federal payroll tax returns (form 941), quarterly state payroll tax returns (forms WT-4-A & WT-4-B), annual federal and state tax returns, cash disbursements journal, purchase journal, 1099 forms, New York and New Jersey employment records, insurance company reports, supporting checks, ledgers, vouchers and any other items concerning payroll, by plaintiffs' representatives, within thirty (30) days after service of a copy of this judgment, pursuant to the Collective Bargaining Agreement between non-party Building Contractor's Association, serving as bargaining agent for defendant SHROID CONSTRUCTION

INC., and non-party Mason Tenders District Council of Greater New York and Long Island, for the purpose of ascertaining and verifying the amount of fringe benefit contributions, dues checkoffs, and PAC contributions due plaintiffs, if any, for the period May 4, 2004 to the present.

Dated: New York, New York

February 29, 2008



Hon. Denise L. Cote, U.S.D.J.

